GENERAL AND REVENUE SECRETARIAT.

1904

(III – Govt.)

File No. 13 of 1902-05.

Serial Nos. 3.

Papers Filed.

Month August 1904.

SUBJECT.

Probate and letters of administration in re the will of the late Mr. P. E. Bacon

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PREVIOUS REFERENCES.	LATER REFERENCES.
J. C. J. 13 of 1904-05, Sl: nos 102	Ch 38-06 Sls 1-7 JJ Feb-07.

G.R.S. 11] 1904-05

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

File No. /3

FILE HEADING.

Probate & Letters of Administration.

From

The Deputy Commissioner, Mysore District.

No. 132 Dated 13/8/04. Received 16.8.04.

Diary No. 1460. | Enclos. Three. Spare Copies. — | Serial No. 8.

BRIEF ABSTRACT OF LETTER.

States that there is no reason for supposing that the properties of the late Mr. P. E. Benson have been undervalued.

NOTES AND ORDERS.

A copy of application to the Chief Court of Col Benson for a probate of the will of late Mr P. E. Benson was forwarded to the D/Commr. Mysore for ~~any~~ action being taken under S. 24(3) of the Court Fees Regulation. The D/ Commr. replies as above.

23.8.04

NOTES—First sheet.

MGCPB—5,000—18-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. [illegible] of 190 [illegible]

Serial No.

The Regulation is silent as to the further action, if any, to be taken in this matter. Perhaps the present reference may be filed.

Submitted

Since there is no undervaluation no action is called for.

File
23-8-04.

20/8/04

23.8.04

Drew
23/8

File
23.8.1904

MGCPB—10,000—19-5-04

III? Dec. 16/8

(Courts)

J 410.

1904-05.

From M. Kanthraj Urs. Esqr Ba.
Deputy Commissioner
Mysore District.

To
B.K. Venkatachardiyangar. Esqr
Secretary to the Govt of Mysore
Genl: and Rev: Depts:

Dated 13th
Despatched 14th } August 1904
Received

General No. 132
No.

Enclosure No. Three

Stating that there is no reason for Supposing the properties of the late Mr. P.E. Benson mentioned in the Schedule have been under-Valued.

MGCPB—50 reams—6-12-02.

Asst Commissioners Office

Impressment

No

Dated 13th December 1904

14th

To

The Secretary to the Government

of His Highness the Maharaja

of Mysore

Revenue & General Department

Sir

Referring to your docket no 129

dated the 18th July 1904 re the miscellaneous

filed in the Chief Court by Lt. Colonel

O. M. Benson for the probate of the will

of the late Mr. C. E. Benson, I have the

honor to state that from enquiries made

there appears no reason to suppose that

the properties mentioned in the schedule

have been undervalued.

The enclosures of your docket under

reply are herewith returned

I have the honor to be

Sir

Your most obedient servant

C Srinivasan

Asst Commissioner

Impressment

For by Commissioner Mysore 2

JOHN C. S. LAWRANCE B. A., LL. B.
ADVOCATE,
PUBLIC PROSECUTOR,
AND NOTARY PUBLIC.
BANGALORE, INDIA.

B
21/8/04

In the Chief Court of Mysore
Bangalore

In the matter of the last Will and Testament of
Percy Eden Benson
late of Mysore
but now deceased.

To The Chief Judge & his Companion Judges of the Chief Court of Mysore

The humble petition of
Percy Hugh Benson a Lt. Col in the I. Inf. & at present residing in Bangalore

SHEWETH,

1. THAT the said Percy Eden Benson late of Mysore who at the time of his death was an Assistant Conservator of Forests in the service of His Highness the Maharaja of Mysore and who resided at Beggadavan Hobli Mysore District. died at Mangudi on or about the 17th day of February in the year 1904 having previously thereto and whilst of sound

Mind, Memory and Understanding duly made and published his last Will and Testament in the English language and character and bearing date the 16th day of July 1901 and thereby appointed your petitioner as Executor thereof but for greater certainty as to the contents of the said Will your petitioner craves leave to refer to the same hereunto annexed and marked **A.**

2. That the said Testator hath left property and effects within the jurisdiction of this Honorable Court to be administered consisting of property as detailed and enumerated in the following statement marked **B:—**

B

	Description of Property.	Probable Value.
1	Cash	
2	Currency Notes...	
3	Moneys secured on—	
	(*a*) Movable property	
	(*b*) Immovable property... ...	
4	Furniture...	500—"—
5	Wearing apparel	
6	Jewellery, Bullion and precious stones..	
7	Stock-in-trade, good-will of business share as partner	
8	Government Securities..	
9	Shares or stock in or Debentures or other Securities of Public Companies	
10	Lands, Houses or other Immovable property	
11	Insurance and other credits of the deceased...	6082
12	Any movable or immovable property, credits or effects not above written...	

all of which aforesaid property to the best of your petitioner's knowledge and belief does not exceed in value Rupees 6583—"— or thereabouts.

3. That to the best of your petitioner's knowledge and belief no application has been made to any other Court for probate of the said Will or for letters of administration of the same Estate intended to have effect within the jurisdiction of this Honorable Court.

4. Your petitioner therefore humbly prays

(a) that this his petition may be received

(b) that he may be at liberty to prove the said last Will and Testament of the said Percy Eden Benson aforesaid deceased in common form and

(c) that probate thereof to have effect throughout the Province of Mysore may be granted to your petitioner or that this Court will make such other order as to it may seem meet and the nature of the case may require

Dated April 8th 1904

(Signed) P. H. Benson
Lt Col I. Ints

I Percy Hugh Benson Lt Col the Petitioner in the above petition do declare that what is stated therein is true to the best of my information and belief.

(Signed) P. H. Benson
Lt Col I Ints

I James Walker, Solicitor, residing at London one of the witnesses to the last Will and Testament of the late Percy Eden Benson do declare that I was present and saw the Testator affix his signature thereto.

(Signed) James Walker

(True Copy)
Thos Hammond
Advocate for Petitioner

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IN THE COURT OF

_____

_____

_____

No. **of**

In the matter of the last Will and Testament of the late _____

_____

_____

_____

Petition for Probate of the Will.

JOHN C. S. LAWRANCE, B.A., LL. B.
For Petitioner.

1st Court Mysore.

5 For Z by Commissioner Mysore

JOHN C.S. LAWRANCE, B.A., LL.B.
Advocate, Chief Court, Mysore.
Vakeel, High Courts, Madras.

B 21/8/04

VALUATION. Section 19-1 Court Fees Act VII of 1870 as amended by Act XI of 1899.

AFFIDAVIT.

In the Chief Court of Mysore Bangalore.

Mis: Application No of

Re Probate of the Will of Percy Eden Benson late of Mysore but now deceased

I Percy Hugh Benson of Bangalore do hereby make oath and say that I am the Executor of the last Will and Testament of my son Percy Eden Benson deceased and that I have truly set forth in Annexure A to this Affidavit all the property and credits of which the abovenamed deceased died possessed or was entitled to at the time of his death, and which have come or are likely to come to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.

3. I further say that the said assets exclusive only of such last mentioned items but inclusive of all rents interest dividends and increased values since the date of the death of the said deceased are under the value of Rs 6583/-.

ANNEXURE A

1. Value of household goods wearing apparel etc----Rs 500-0-0
2. Policy of Insurance upon life----------Rs 6082-0-0

Total Rs 6582-0-0.

ANNEXURE B.

Nil.

Bangalore the Eighth day of April 1904. (Signed) P. H Benson Lt Col I. Med.

P.T.O.

Sworn to before me this eighth day of April 1904

by the said Percy Hugh Benson who is personally known to me.

Seal

(Signed) A. Aiyangar & Row
Magistrate. City Magistrate
Bangalore.

True copy
Whyte Davison
Advr: for Petr.

Citation.
Section 25, of Act X. of 1865

Form No. 81, Civil.

7

IN THE Chief COURT OF Mysore AT Bangalore

Application No. of 1904.

Applicant.

Percy Hugh Benson a Lt. Colonel in the I. M. S.
(By Mr. J. C. S. Lawrance)

In the matter of the estate of the late Percy Edw Benson late of Mysore.

WHEREAS Percy Hugh Benson Executor of the deceased above named has applied to this Court for Probate of the Will.

of the said deceased, who died at Marugudi, Heggadadevana Kota, Mysore District on the 17th day of February 1904 and Wednesday the 17th day of August 1904 at 11 A. M. has been fixed for the hearing of the application;

All persons claiming to have any interest in the estate of the deceased are hereby cited upon to come and see the proceedings on or before the said 17th day of August 1904.

Given under my hand and the seal of the Court this 12th day of July 1904

CHIEF COURT OF MYSORE

BCJP—9—3—02—200

(Illegible)
Registrar.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Are there no precedents? If there (ii) are put up

(iii) Have any rules been framed under Sub-Section 8 of Sec 24? If so, put up.

Draft
22/8

Ans

Ans Precedents are readily available.

No rules under this Section have been framed.

The object of the reference to the Deputy Commr being simply to prevent any evasion of stamp fee due & not, & as the present reference puts the Deputy Commissioner plainly on his guard that there has been no undervaluation, it is submitted the present reference may be ordered to be filed.

22/8/04 22-8-04

N. B. Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.